

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 5-CA-36390

**AMERICAN POSTAL WORKERS UNION,
NATIONS CAPITAL SOUTHERN MARYLAND
AREA LOCAL 0140, AFL-CIO**

DECISION AND ORDER

Statement of the Case

On July 18, 2011, the United States Postal Service (the Respondent), American Postal Workers Union, Nations Capital Southern Maryland Area Local 0140, AFL-CIO (the Union), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including facilities in Capitol Heights, Maryland, and Forestville, Maryland, referred to as the Hampton Park Finance Station, District Heights/Forestville Station, Capitol Heights Station, and the Special Delivery/Express Mail Department located inside the General Mail Facility for Prince George's County, herein correctly called the Express Mail Unit at the Southern Maryland P&DC in Capitol Heights, Maryland, the only facilities involved in this proceeding.

The Board has jurisdiction over the Respondent and this matter under Section 1209 of the Postal Reorganization Act.

2. The labor organization involved

At all material times, the American Postal Workers Union, AFL-CIO has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, APWU Local 0140 has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Capitol Heights and Forestville, Maryland, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Failing and refusing to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, through its designated agent, Nations Capital Southern Maryland Area Local 0140, as the exclusive representative of employees in the following appropriate unit, herein called the Unit:

All maintenance employees, motor vehicle employees, postal clerks, special delivery messengers, mail equipment shop employees, and material distribution center employees employed by the United States Postal Service; excluding all professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, Postal Inspection Service employees, employees in the supplemental work force, rural letter carriers, mail handlers, letter carriers, guards and supervisors as defined in the Act.

(b) Failing and refusing to provide information to American Postal Workers Union, AFL-CIO, through its designated agent Nations Capital Southern Maryland Area Local 0140, that it requested and needs for the performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) In any other way, interfering with, restraining or coercing its employees in the exercise of their right to self organization, to form labor organizations, to join or assist the American Postal Workers Union, AFL-CIO, Nations Capital Southern Maryland Area Local 0140, or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining, or other mutual aid or protection, or to refrain from any and all such activities.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days of service by the Region, post at each of its Capitol Heights and Forestville facilities, including the Hampton Park Finance Station, District Heights/Forestville Station, Capitol Heights Station, and the Express Mail Unit at the Southern Maryland P&DC in Capitol Heights, Maryland, copies of the attached Notice to Employees, marked "Appendix A." The Respondent shall post and maintain copies of the notice, which may include Notices in more than one language as deemed appropriate by the Regional Director, on forms provided by Region 5, and signed by the Respondent's authorized representative, for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(b) Within 14 days of the Board's approval of this stipulation, the Respondent will provide the following information, to the extent it has not already done so, requested by American Postal Workers Union, AFL-CIO, Nations Capital Southern Maryland Area Local 0140, on or about December 6, 2010, by verbal request to Yolanda Davis at the Hampton Park Finance Station:

- (1) copy of Jackie Purvis' job description and the date she received bid position;
- (2) copy of all customer service training received by Jackie Purvis;
- (3) copy of Jackie Purvis' Form 50;
- (4) copy of Denise Moore's job description;
- (5) copy of Denise Moore's Form 50;
- (6) copy of Denise Moore's medical restrictions;
- (7) copy of modified job offer granting Denise Moore to work in customer service;
- (8) copy of any and all memoranda granting the interchanging of crossing craft, pay locations, duty assignments, and occupational groups;
- (9) copy of any notification to President and/or Station/Branches Coord. granting Denise Moore to be placed on the seniority list of Hampton Park;
- (10) copy of Cynthia Knight's bid position;
- (11) copy of Cynthia Knight's Form 50;
- (12) copy of Cynthia Knight's clock rings from Nov. 23rd through Dec. 6th; and
- (13) copy of 1723's for all Hampton Park Clerks from Nov. 23rd through Dec. 6th

(c) Within 21 days of the Board's approval of this stipulation, the Respondent will file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply with the Order.

Dated, Washington, D.C., September 15, 2011

Mark Gaston Pearce, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join or assist a union;
Choose representatives to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

In recognition of our employees' rights:

WE WILL NOT fail and refuse to bargain collectively and in good faith with **AMERICAN POSTAL WORKERS UNION, AFL-CIO**, through its designated agent, **NATIONS CAPITAL SOUTHERN MARYLAND, LOCAL 0140**, as the exclusive representative of our employees in the following unit:

All maintenance employees, motor vehicle employees, postal clerks, special delivery messengers, mail equipment shop employees, and material distribution center employees employed by the United States Postal Service; excluding all professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, Postal Inspection Service employees, employees in the supplemental work force, rural letter carriers, mail handlers, letter carriers, guards and supervisors as defined in the Act.

WE WILL NOT fail and refuse to provide information to **AMERICAN POSTAL WORKERS UNION, AFL-CIO**, through its designated agent **NATIONS CAPITAL SOUTHERN MARYLAND, LOCAL 0140**, that it requested and needs for the performance of its duties as the exclusive collective-bargaining representative.

WE WILL provide to **AMERICAN POSTAL WORKERS UNION, AFL-CIO**, through its designated agent, **NATIONS CAPITAL SOUTHERN MARYLAND, LOCAL 0140**, the following relevant and necessary information that it requested as the bargaining representative of the employees in the unit set forth above, to the extent such has not already been provided:

- copy of Jackie Purvis' job description and the date she received bid position;
- copy of all customer service training received by Jackie Purvis;
- copy of Jackie Purvis' Form 50;
- copy of Denise Moore's job description;

- copy of Denise Moore's Form 50;
- copy of Denise Moore's medical restrictions;
- copy of modified job offer granting Denise Moore to work in customer service;
- copy of any and all memoranda granting the interchanging of crossing craft, pay locations, duty assignments, and occupational groups;
- copy of any notification to President and/or Station/Branches Coord. granting Denise Moore to be placed on the seniority list of Hampton Park;
- copy of Cynthia Knight's bid position;
- copy of Cynthia Knight's Form 50;
- copy of Cynthia Knight's clock rings from Nov. 23rd through Dec. 6th; and
- copy of 1723's for all Hampton Park Clerks from Nov. 23rd through Dec. 6th

WE WILL NOT in any way interfere with, restrain, or coerce our employees in the exercise of their rights as guaranteed in Section 7 of the Act.

UNITED STATES POSTAL SERVICE

(Respondent)